

**SENATE JOURNAL
65TH LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 18, 2017

Senate Chambers
State Capitol

Senate convened at 8:30 a.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Blasdel, Keenan and Vincent, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/18/2017

Correctly printed: **SB 72, SB 111, SB 156, SB 159, SB 166, SB 169, SB 180, SB 189, SB 208, SB 212, SB 231, SB 295, SB 296, SB 297, SB 298, SB 299, SR 30, SR 45, SJ 14, SJ 15, HB 304, HJ 1.**

Correctly engrossed: **SB 190, SB 195, SB 216, HB 3.**

Transmitted to the House: **SB 149, HB 48, HB 49, HB 53, HB 79, HB 81, HB 159, HB 258, HB 278, HB 300.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/17/2017
SB 226, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

Strike: "EXPANDING" on line 4 through "INCLUDE" on line 5

Insert: "REQUIRING COUNTY TRANSPORTATION REIMBURSEMENT FOR"

2. Title, page 1, line 5.

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, page 1, line 6.

Following: "20-10-145"

Insert: " AND 20-10-146"

4. Page 1, line 18.

Following: "transportees"

Insert: ", as defined in 20-10-101,"

5. Page 1, line 18 through page 1, line 19.

Strike: "academic" on line 18 through "beyond" on line 19

6. Page 1, line 19 through line 20.

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Strike: "when" on line 19 through "program" on line 20

7. Page 2, line 18.

Insert: "**Section 2.** Section 20-10-146, MCA, is amended to read:

"20-10-146. County transportation reimbursement. (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; ~~and~~

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321; and

(d) county transportation reimbursement must be provided for transportation in connection with the minimum aggregate hours of instruction and for academic instruction beyond 180 pupil-instruction days when conducted as part of a summer school program.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) countywide school transportation block grants distributed under 20-9-632;

(v) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vi) federal forest reserve funds allocated under the provisions of 17-3-213;

(vii) property tax reimbursements made pursuant to 15-1-123(7); and

(viii) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on or before the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts

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used to establish the levy requirements to the superintendent of public instruction on or before September 15. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments. ""

Renumber: subsequent sections

And, as amended, do pass.

SB 227, do pass.

JUDICIARY (Regier, Chair):

2/17/2017

SB 92, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "CERTAIN"

Insert: "HOSPITALIZED"

2. Page 1, line 22.

Following: "decision"

Insert: "as determined by a health care provider experienced in this type of assessment"

3. Page 1, line 30.

Following: line 30

Insert: "(8) "Medical proxy decisionmaker" means a physician or advanced practice registered nurse designated by the attending health care provider."

Renumber: subsequent subsections

4. Page 2, line 4.

Following: "(10)(a)"

Strike: "Proxy"

Insert: "Lay proxy"

Following: "means"

Strike: "a"

Insert: "an interested"

Following: "[sections 1 through 8]"

Strike: "who will"

Insert: "authorized to"

5. Page 2, line 5.

Following: "decisions"

Insert: "and discharge and transfer dispositions"

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6. Page 2, line 9.

Strike: "A court or an"

Insert: "An"

7. Page 2, line 11.

Following: "(2)"

Insert: "(a)"

8. Page 2, line 13.

Following: line 13

Insert: "(b) Health care providers must use evidence-based methodologies for determining decisionmaking capacity. The method used to determine decisionmaking capacity may be selected in collaboration with a medical ethics committee.

(c) Patients with chronic cognitive disabilities may require assessment by health care providers familiar with the patient's specific disability. Health care providers familiar with the patient's chronic cognitive disability should be retained to assess decisionmaking capacity.

(d) Patients for whom English is a second language must be assessed by a health care provider in the presence of an interpreter who is fluent in the patient's primary language."

9. Page 2, line 21.

Following: line 21

Insert: "(4) Guardianship proceedings may be initiated by the health care facility in the absence of family or interested parties at the same time that a proxy decisionmaker is selected to meet the patient's current decisional needs. If a guardian is appointed, the guardian may assume the proxy decisionmaker role."

10. Page 2, line 27.

Following: "of a "

Insert: "lay or medical"

11. Page 2, line 30.

Following: "that a"

Insert: "lay"

12. Page 3, line 5.

Following: "selecting a"

Insert: "lay"

13. Page 3, line 12.

Following: "as"

Insert: "medical"

14. Page 3, line 13.

Following: "physician"

Strike: ", "

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Insert: "or"

15. Page 3, line 14.

Following: "nurse"

Strike: ", or physician assistant"

16. Page 3, line 17.

Following: "any"

Strike: "interested persons"

Insert: "persons with authority to make medical decisions for the patient"

17. Page 3, line 17.

Following: "person"

Insert: "with authority to make medical decisions for the patient"

Following: "as"

Insert: "lay"

18. Page 3, line 19.

Strike: "obtained an independent determination of"

Insert: "determined, with the assistance of any relevant specialists or interpreters,"

19. Page 3, line 20.

Following: "capacity"

Strike: "by a" through "assistant"

20. Page 3, line 20.

Following: line 20

Insert: "(c) the attending health care provider's assessment of lack of decisional capacity has been confirmed by another health care provider;"

Renumber: subsequent subsections

21. Page 3, line 24.

Following: "physician"

Strike: ", "

Insert: "or"

Following: "nurse"

Strike: ", or physician assistant"

22. Page 3, line 26.

Strike: "(1)(c)"

Insert: "(1)(d)"

23. Page 3, line 27.

Strike: "shall"

Insert: "may"

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24. Page 3, line 28.

Following: "facility"

Insert: "or obtain consensus with the health care facility's chaplain"

25. Page 3, line 29.

Following: "physician"

Strike: ", "

Insert: "or"

Following: "nurse"

Strike: ", or physician assistant"

26. Page 4, line 1.

Following: "as"

Insert: "a lay"

27. Page 4, line 1.

Following: line 1

Insert: "(b) a family member is willing to serve as a decisionmaker;"

Renumber: subsequent subsections

28. Page 4, line 8.

Following: "physician"

Strike: ", "

Insert: "or"

Following: "nurse"

Strike: ", or physician assistant"

29. Page 4, line 13.

Following: "as a"

Insert: "medical"

30. Page 4, line 17.

Following: "of the"

Insert: "medical"

31. Page 4, line 18.

Following: "decisionmaker"

Strike: "and a" through "facility"

32. Page 4, line 21.

Following: "physician"

Strike: ", "

Insert: "or"

33. Page 4, line 21 through line 22.

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Following: "nurse" on line 21

Strike: ", or physician" through "assistant" on line 22

34. Page 4, line 22.

Following: "the"

Insert: "medical"

Following: ";"

Strike: "and"

35. Page 4, line 23.

Following: "committee"

Insert: ", if available; and (iii) a consensus with the health care facility's chaplain if a medical ethics committee is not available"

36. Page 4, line 25.

Following: "physician"

Strike: ", "

Insert: "or"

Following: "nurse"

Strike: ", or physician assistant"

Following: "as a"

Insert: "medical"

37. Page 4, line 27 through line 29.

Following: "hydration" on line 27

Strike: "is" on line 27 through "functioning" on line 29

Insert: "cannot reasonably be expected to prolong life, would be excessively burdensome for the patient, or would cause the patient significant physical discomfort, such as from complications from the procedures used"

38. Page 5, line 3.

Following: line 3

Insert: "(4) When a lay or medical proxy decisionmaker has not been appointed and the attending health care provider determines that a patient requires end-of-life treatment that includes artificial nourishment and hydration, before a lay or medical proxy decisionmaker may be appointed the attending health care provider or health care facility must petition the court to have a temporary guardian appointed as provided in 72-5-317. If the petition to have a temporary guardian appointed is not timely or successful considering the exigencies of the situation, a lay or medical proxy decisionmaker may be appointed."

39. Page 5, line 6.

Following: "assist a"

Insert: "lay or medical"

40. Page 5, line 7.

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Strike: "or an interested person"

Following: "if the"

Insert: "lay or medical"

41. Page 5, line 11.

Following: "authority of"

Insert: "lay or medical"

42. Page 5, line 12.

Following: "whom a"

Insert: "lay or medical"

43. Page 5, line 14.

Following: "or the"

Insert: "lay or medical"

44. Page 5, line 16.

Following: "patient, the"

Insert: "lay or medical"

45. Page 5, line 25.

Following: "physician"

Strike: ", "

Insert: "or"

Following: "nurse"

Strike: ", or physician assistant"

46. Page 5, line 27.

Following: "as a"

Insert: "medical"

47. Page 5, line 28.

Following: "whom a "

Insert: "lay or medical"

And, as amended, do pass.

SB 99, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "FIREARMS"

Strike: "AND"

Insert: ", "

Following: "MAGAZINES"

Insert: ", AND AMMUNITION"

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2. Page 1, line 10.

Following: "Firearm"

Strike: "and"

Insert: ", "

Following: "Magazine"

Insert: ", and Ammunition"

3. Page 1, line 23.

Strike: "(a)"

4. Page 1, line 25.

Following: "firearms"

Strike: "or"

Insert: ", "

Following: "magazines"

Insert: ", or ammunition"

5. Page 1, line 26.

Following: "firearms"

Strike: "or"

Insert: ", "

Following: "magazines"

Insert: ", or ammunition"

6. Page 1, line 27 through line 28.

Strike: subsection (b) in its entirety

7. Page 1, line 30 through page 2, line 3.

Following: "firearms" on line 30

Strike: "or"

Insert: ", "

Following: "magazines" on line 30

Insert: ", or ammunition"

Strike: "Any" on page 1, line 30 through "45-6-301." on page 2, line 3

And, as amended, do pass.

SB 170, introduced bill, be amended as follows:

1. Page 1, line 15 through line 16.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

2. Page 1, line 18.

Following: ";"

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Strike: "or"

3. Page 1, line 20.

Following: "feet"

Insert: "; or (c) the unmanned aerial vehicle is operated for government or commercial purposes in compliance with authorization granted by the federal aviation administration and:

(i) the unmanned aerial vehicle is flown within the boundaries of an easement and the owner or operator of the unmanned aerial vehicle is the owner of the dominant estate;

(ii) the unmanned aerial vehicle is flown to assist with professional land surveying, subject to the requirements of 70-16-111;

(iii) the unmanned aerial vehicle is being flown by an employee or contractor of:

(A) a utility as defined in 69-5-102 to assist with property damage or catastrophe damage assessment;

(B) a mineral rights owner or the owner's lessee of the mineral estate; or

(C) an insurance company in the conduct of insurance-related purposes, including but not limited to underwriting, claims investigation, claims adjustment, assessment of property damage, and survey of catastrophe damage; or

(iv) the unmanned aerial vehicle is being flown by law enforcement, subject to the limitations provided in 46-5-109"

4. Page 1, line 22.

Following: "\$500"

Insert: "if the violation was above private property or not less than \$2,500 if the violation was above a critical infrastructure facility"

And, as amended, do pass.

HB 247, be amended as follows:

1. Page 1, line 23.

Following: "ANY"

Insert: "sexual"

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair):

2/17/2017

SB 143, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "CIRCUMSTANCES;"

Insert: "LIMITING THE TYPES OF EMPLOYERS THAT MAY USE THE RETURN TO WORK PROVISIONS;"

2. Title, page 1, line 9.

Following: "DATE"

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Insert: "AND A TERMINATION DATE"

3. Page 2, following line 4.

Insert: "(2) An employer may not employ a retired member under the provisions of this section unless the employer is a second-class or third-class district as provided in 20-6-201 and 20-6-301."

Renumber: subsequent subsections

4. Page 2, following line 18.

Insert: "NEW SECTION. **Section 3. Termination.** [This act] terminates June 30, 2021."

And, as amended, do pass.

SB 206, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "AND"

2. Title, page 1, line 5.

Following: "TIME"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 1, following line 18.

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective November 5, 2017, at 2:00 a.m."

And, as amended, do pass.

SR 27, be adopted.

SR 28, be adopted.

SR 37, be adopted.

Without objection, committee reports were adopted.

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MESSAGES FROM THE GOVERNOR

February 17, 2017

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, February 17, 2017, I signed the following bills:

SB 10 - M. Blasdel
SB 41 - F. Moore
SB 53 - L. Jones
SB 68 - D. Barrett
SB 84 - S. Hinebauch

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 2/17/2017

HB 26, introduced by T. Welch
HB 41, introduced by J. Keane

House bills passed and transmitted to the Senate for concurrence: 2/17/2017

HB 62, introduced by R. Brodehl
HB 126, introduced by R. Shaw
HB 187, introduced by J. Hamilton
HB 257, introduced by E. Hill Smith
HB 355, introduced by R. Shaw
HB 377, introduced by A. Redfield

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

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SB 300, introduced by D. Sands, referred to Public Health, Welfare and Safety.

SB 301, introduced by D. Brown, referred to State Administration.

SB 302, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SB 303, introduced by E. Buttrey, referred to State Administration.

SB 304, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SB 305, introduced by S. Fitzpatrick, G. Custer, D. Salomon, R. Tempel, referred to State Administration.

SB 306, introduced by R. Webb, referred to Local Government.

SB 307, introduced by L. Jones, S. Berglee, E. Buttrey, R. Cook, J. Essmann, T. Facey, M. Funk, C. Glimm, B. Grubbs, S. Gunderson, B. Hamlett, D. Hayman, B. Hoven, D. Jones, J. Keane, E. McClafferty, F. Moore, J. Price, D. Salomon, S. Vinton, referred to Education and Cultural Resources.

SB 308, introduced by F. Moore, E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 46, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced and read first time:

SJ 16, introduced by M. Caferro, F. Smith, R. Tempel.

The following House bills were introduced, read first time, and referred to committees:

HB 62, introduced by R. Brodehl (by request of the Task Force on State Public Defender Operations), referred to Judiciary.

HB 126, introduced by R. Shaw (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

HB 187, introduced by J. Hamilton, referred to Taxation.

HB 257, introduced by E. Hill Smith, referred to Public Health, Welfare and Safety.

HB 355, introduced by R. Shaw, J. Welborn, referred to Highways and Transportation.

HB 377, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Whitford in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 29 - Senator Hoven moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 29**. Motion carried as follows:

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Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

HB 232 - Majority Leader Thomas moved consideration of **HB 232** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 248 - Senator Boland moved **HB 248** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 33

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Moore, Olszewski, Osmundson, Smith C, Thomas, Vance, Webb, Mr.President.
Total 14

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 183 - Senator Welborn moved **SB 183** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

HB 18 - Free Conference Committee Report No. 1 - Senator Hoven moved the Free Conference Committee report for **HB 18** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 200 - Senator Buttrey moved **SB 200** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

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HB 24 - Senator Sands moved **HB 24** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 160 - Senator Caferro moved **SB 160** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

SB 192 - Senator Swandal moved **SB 192** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 47

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 205 - Senator Olszewski moved **SB 205** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 152 - Senator Sesso moved **SB 152** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

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SB 158 - Senator MacDonald moved **SB 158** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinkle, Hoven, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 34

Nays: Brown, Gauthier, Hinebauch, Howard, Jones, Lang, Regier, Salomon, Smith C, Tempel, Vance, Webb, Mr.President.

Total 13

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 163 - Senator K. Regier moved **SB 163** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 137 - Senator Ankney moved **SB 137** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 79 - Senator Fitzpatrick moved **SB 79** do pass.

SB 79 - Senator Buttrey moved **SB 79**, second reading copy, be amended as follows:

1. Page 1, line 23.

Following: "district."

Insert: "The property proposed to be included in the district must be located in a residential subdivision, except that the owner of property located outside of a residential subdivision may consent to the inclusion of the property in the proposed district."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 79 - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

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Nays: Olszewski, Regier.

Total 2

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SR 26 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 26**. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Whitford moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: Kary.

Total 1

Absent or not voting: None.

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Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 72 passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 33

Nays: Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Moore, Olszewski, Osmundson, Regier, Smith C, Vance, Mr.President.

Total 14

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 111 passed as follows:

Yeas: Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: Ankney.

Total 1

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

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SB 159 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 45

Nays: Hinebauch, Mr.President.

Total 2

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 166 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 169 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 189 passed as follows:

Yeas: Ankney, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Whitford, Mr.President.

Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Wolken.

Total 17

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

SB 208 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Keenan, Vincent.

Total 3

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HJ 1 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.
Total 39

Nays: Brown, Hinebauch, Hinkle, Howard, Smith C, Swandal, Vance, Mr.President.
Total 8

Absent or not voting: None.
Total 0

Excused: Blasdel, Keenan, Vincent.
Total 3

MOTIONS

Majority Leader Thomas moved that **SB 180** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 248**, heard on second reading this date, be re-referred to the Education and Cultural Resources Committee. Without objection, so ordered.

ANNOUNCEMENTS

Senator Buttrey thanked this week's Pages who performed a skit for the Senators.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, February 20, 2017, the thirty-seventh legislative day. Motion carried.

Senate adjourned at 9:56 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate